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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,137	07/13/2001	Eiichi Yamada		4543

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Jay H. Maioli
Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036

EXAMINER	
MEI, XU	

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,137	YAMADA, EIICHI	
	Examiner	Art Unit	
	Xu Mei	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-14,16,18,19 and 25-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-14,16,18,19 and 25-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 08/925,126.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the applicant's amendment dated 07/13/2001.

2. Claims 32-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 recites the limitation "said cabinet". There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "said input device". There is insufficient antecedent basis for this limitation in the claim.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 11-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Kishimoto (US-4,460,928) in view of Sudoh et al. (US-5,499,316, hereinafter, Sudoh).

Regarding claims 11-14, Kishimoto discloses a reproducing apparatus as claimed with the exception of including a plurality of units of dynamic data are written into the storage device, and the unit of dynamic data are written by the controller into one of at least two files including in the storage device. Sudoh discloses a reproducing apparatus including index recording and reproducing means within a specific storage position of the memory for dynamic data storage to storage different data files (semiconductor memory 7 separately includes an index storage region 7b in which index is recorded and a sound storage region 7a in which the sound data is recorded, col. 5, lines 28-30) to improve data selection and reproduction speed (i.e., faster data retrieval to save time), see col. 2, lines 28-39 and Fig. 3 (Fig. 3 is not specifically showing 7a and 7b separately, only showing semiconductor memory 7). An index having retrieval information for retrieving an arbitrary position of recorded sound and positional or time information (i.e., user selecting desired data files) in arbitrary position is taught by both Kishimoto and Sudoh.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made with both reference before him/her to modify the reproducing apparatus of Kishimoto with the teaching of Sudoh in order to have an improved audio reproducing apparatus with faster data selection and reproduction speed.

5. Claims 16, 18 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okano et al. (US-5,774,863, hereinafter, Okano) in view of Sudoh.

Regarding claims 16, Okano teaches a recording and/or reproducing apparatus (Figs. 1, 2B) comprising: a microphone 12; an A/D converting circuit 16B for converting an output signal from the microphone into a digital output signal; a storage device or solid memory 22 (i.e., semiconductor memory) for storing the digital output signal from the A/D converting circuit; a D/A converting circuit 16C for converting a digital signal read from the semiconductor memory into an analog output signal; an input device (operation input section 28) operable by a user of the apparatus for entering at least a recording start mode (recording mode switch 28F); a controller (cpu 20) for controlling in response to an input from the input device a writing of the digital output signal from the A/D converting

circuit into the semiconductor memory (writing of the digital output signals of the microphone into the memory) and a reading of a stored digital signal from the semiconductor memory (readout of the written signals stored in the memory); and a cabinet 10 in which the microphone, the A/D converting circuit, the D/A converting circuit, and the input device are arranged. The input device also causing a recording start operation and a recording end operation (switching recording on/off) and the controller would have inherently delay a lapse of a predetermined time interval before the starting the writing (recording) the digital output signal from the A/D converting circuit into the memory (i.e., processing time by the various electronic elements of Fig. 1 before the input signal of the microphone being stored into the memory). What's not taught by Okano is the recording and/or reproducing apparatus including a plurality of units of dynamic data are written into the storage device, and the unit of dynamic data is written by the controller into one of at least two files including in the storage device. Sudoh discloses a reproducing apparatus including index recording and reproducing means within a specific storage position of the memory for dynamic data storage to storage different data files (semiconductor memory 7 separately includes an index storage region 7b in which index is

recorded and a sound storage region 7a in which the sound data is recorded, col. 5, lines 28-30) to improve data selection and reproduction speed (i.e., faster data retrieval to save time), see col. 2, lines 28-39 and Fig. 3 (Fig. 3 is not specifically showing 7a and 7b separately, only showing semiconductor memory 7). An index having retrieval information for retrieving an arbitrary position of recorded sound and positional or time information (i.e., user selecting desired data files) in arbitrary position is taught by both Okano (reproduction switch 28L) and Sudoh.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made with both reference before him/her to modify the recording and/or reproducing apparatus of Okano with the teaching of Sudoh in order to have an improved audio recording and/or reproducing apparatus with faster data selection and reproduction speed.

For what's called for in claim 18, see Figs. 3, 5 and 6 of Sudoh.

Regarding claim 30, using a hand strap for carrying such small, portable device is old and well known in the art. It would have been obvious for one of ordinary skill in the art to use the well-known hand strap for carrying the recording and/or reproducing device as shown by Okano or Sudoh.

6. Claims 19 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combinations of Okano and Sudoh as discussed in claim 16 above and further in view of Kishimoto.

Regarding claims 19 and 25-27, the combinations of Okano and Sudoh discloses the sound recording and/or reproducing apparatus as discussed in rejection with regard to claims 16 above. What's not taught by the combinations of Okano and Sudoh is the timer device for controlling the output of the recorded/written signals as in claims 25-27. Kishimoto discloses an electronic apparatus for voice output of stored information which including timer device for controlling the output of the recorded/written signals for the purpose of providing or outputting stored information at predetermined times (i.e., voice recording alarm).

It would have been obvious for one of ordinary skill in the art to combines the recording and/or reproducing apparatus taught by the combinations of Okano and Sudoh with the teaching of Kishimoto in order to provide an additional improved audio/voice recording and reproducing apparatus which is also capable of having additional function such as voice recording alarm that is easily and continently control by user.

7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okano in view of Lowery (US-5,402,518).

Regarding claim 31, Okano teaches a recording and/or reproducing apparatus as discussed in claim 16 above. What's not taught by Okano is the second input device (the playback or reproducing button/switch) is arranged at an upper left surface of the cabinet that is operated with the user's left thumb as claimed. Lowery teaches a sound recording and/or reproducing apparatus including a plurality of hand operable switches (i.e., a more convenient, easy to use user switching interface, col. 1, lines 51-54, Figs. 1-2) for a right hand user. It would have been obvious to one of ordinary skill in the art to modify the recording and/or reproducing apparatus of Okano with the teaching Lowery in order to have an improved recording and/or reproducing apparatus including a plurality of hand operable switches, i.e., a more convenient, easy to use user switching interface as shown in Fig. 1-2. Although Lowery shows the user switching interface is used by a right hand user, to simply rearrange or manufacture the user switching interface to the left side of the sound recording and/or reproducing apparatus thus a left hand user would have also be able to operates the user switching interface more easily and conveniently would have also been obvious to one of ordinary skill in the art.

8. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combinations of Kishimoto and Sudoh and further in view of Lowery.

The reasoning for further combining the teaching of Kishimoto and Sudoh (as in claim 11) with the teaching of Lowery is the same as stated in rejection for claim 31 above.

9. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combinations of Okano and Sudoh and further in view of Lowery.

The reasoning for further combining the teaching of Okano and Sudoh (as in claim 16) with the teaching of Lowery is the same as stated in rejection for claim 31 above.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Terui et al and Yamada are made of record here as pertinent art to the claimed invention. Both Terui and Yamada disclose audio recording and reproducing apparatus having dynamic memory storage means for storing input audio data.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on Monday-Friday (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Xu Mei
Primary Examiner
Art Unit 2644
07/30/05